



COUNCIL MINUTES

May 7, 2012

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 7, 2012 at 5:59 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

Dina Higgins

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Councilwoman Higgins from the entire meeting.

Invocation by Reverend Paul Whitlock, Desert Heritage Church.

Pledge of Allegiance was led by Councilmember Glover.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Mayor Smith stated that it was an honor and a privilege for the City of Mesa and CNN to host the 2012 Republican Party Presidential Debate at the Mesa Arts Center (MAC) on February 22nd. He stated that he was proud of the community coming together and also thanked City staff for their efforts and hard work in making the debate a success. Mayor Smith also noted that he received feedback from CNN representatives that of all the communities in which the network hosted the Republican Party Presidential Debates, Mesa was "the best site."

Mayor Smith further acknowledged the efforts of the Mesa Police Department (MPD), which not only assisted CNN, but also coordinated with the United States Secret Service, who provided security for some of the candidates. He invited Kevin Rice, Special Agent in charge of the Secret Service field office in Phoenix, to come forward.

Special Agent Rice stated that early on in the Republican Party campaign, the Secret Service was asked to provide security protection for Governor Mitt Romney. He stated that for the Presidential Debate in Mesa, the MPD was asked to develop a security plan for all of the candidates, which was reviewed and coordinated by the Secret Service. He commented that in his 26 years of law enforcement experience, the MPD's strategy was the most professional and comprehensive security plan he has ever seen for a major event.

Special Agent Rice further recognized Mesa Police Chief Frank Milstead as "a major institutional player in the Valley and Arizona law enforcement" who maintains a high degree of professionalism. He pointed out that several months ago, President Obama flew into Phoenix-Mesa Gateway Airport and said that the MPD also provided security assistance to the Secret Service during the President's visit.

Special Agent Rice presented Chief Milstead a Certificate of Appreciation from Mark Sullivan, Director of the United States Secret Service, in recognition of the MPD's efforts and superior contributions to the law enforcement responsibilities of the United States Secret Service. He also presented Certificates of Appreciation from the Phoenix field office to Officer Joel Anderson, Detective Steve Berry, Sergeant Ryan Russell, Commander Bill Peters, Commander Lee White and Assistant Chief Heston Silbert.

Special Agent Rice, in addition, presented Assistant Fire Chief Dan Stubbs a Certificate of Appreciation in recognition of the Mesa Fire Department's (MFD) efforts to provide a safe physical environment for the candidates during the debate and also for coordinating the arrival of Air Force One at Phoenix-Mesa Gateway Airport.

Mayor Smith thanked Special Agent Rice for the presentations.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Glover, that the consent agenda items be approved.

Mayor Smith declared the motion carried unanimously by those present.

*2. Approval of minutes of previous meetings as written.

Minutes from the April 23, 2012 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Big Brothers Big Sisters of Central Arizona

This is a one-day charitable event to be held on Saturday, May 19, 2012, from 5:30 p.m. to 9:30 p.m. at 1924 West 8th Street. **(District 1)**

*3-b. Ultimate Imaginations Inc.

This is a one-day charitable event to be held on Saturday, May 12, 2012, from 2:00 p.m. to 10:00 p.m. at 1-270 West Main Street. **(District 4)**

*3-c. LongHorn Steakhouse

New Restaurant License for LongHorn Steakhouse, 1434 South Alma School Road, Rare Hospitality Management, Inc. – Kevin Kelly, Agent. This is a new construction. **(District 3)**

*3-d. National Comedy Theatre

Person to person/Location to location transfer of a Beer and Wine Bar License for National Comedy Theatre, 1111 South Longmore, Suite B6, Phoenix Improv LLC – Dorian Ray Lenz II, Agent. This is an existing building without a previous liquor license at this location. **(District 3)**

*3-e. D’Vine Wine Bar & Bistro

Person to person transfer of a Beer and Wine Bar License for D’Vine Wine Bar & Bistro, 2837 North Power Road, Suite 101, AZ For Better Business Association LLC – Randy D. Nations, Agent. This location has a Beer and Wine Bar License held by D’Vine Wine Bar & Bistro LLC that will be transferred to the new applicant. **(District 5)**

*3-f. One Stop Food Mart & Deli

New Beer and Wine Store License for One Stop Mart & Deli, 1620 West University Drive, Suite 1, Mohammed Khata Ghori, Agent. This location has a Beer and Wine Store License held by Albert Isaac Khamis that will revert back to the State. **(District 3)**

*3-g. China City Buffet

New Restaurant License for China City Buffet, 2235 South Power Road, Suite 101, China City Buffet LLC – Xian Lin, Agent. This location has a Restaurant License held by China Olive Inc. that will revert back to the State. **(District 6)**

*3-h. George’s Gyros & Chicken

New Restaurant License for George’s Gyros & Chicken, 205 North Country Club Drive, George’s Inc. – Robert Haroon, Agent. This location has a Restaurant License held by Mario’s LLC that will revert back to the State. **(District 4)**

*3-i. Osaka Teppanyaki Sushi & Bar

New Restaurant License for Osaka Teppanyaki Sushi & Bar, 6730 West Superstition Springs Blvd., Osaka Japanese Steak House LLC – Wen Zhu, Agent. This is an existing building without an active liquor license at this location. **(District 6)**

4. Take action on the following contracts:

- *4-a. Purchase of Eight Replacement Ruggedized Laptop Computers for the Communications Department. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the National Intergovernmental Purchasing Alliance (National IPA) contract with CLH, International at \$33,942.02, including applicable sales tax.

- *4-b. Purchase of One Additional Twelve-Lead Heart Monitor/Defibrillator for the Fire Department. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the Term Contract with Zoll Medical Corporation at \$30,818.33, including applicable use tax.

- *4-c. Purchase of a Replacement Interchangeable Thermal Imaging Camera for the Police Department, Aviation Unit. **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsive and responsible bidder, Stark Aerospace, Inc., at \$243,382.73, including applicable use tax.

- *4-d. Purchase of 4" and 6" Coated Steel Pipe for the Energy Resources Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder with the best delivery option for the City, Consolidated Pipe & Supply Co., Inc., at \$176,201.69, including applicable sales tax, based on estimated requirements.

- *4-e. Renewal of the Term Contract for Swimming Pool Chemicals for the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

The Purchasing Division recommends using the cooperative contract through the City of Chandler with multiple vendors: A & M Corson's (a Mesa business) at \$40,000; Brenntag Pacific at \$20,000; and Hill Brothers Chemical Company at \$6,000; for the combined total award of \$66,000 annually, including applicable sales tax, and based on estimated requirements.

- *4-f. Renewal of the Term Contract for Reflectorized Sign Sheeting for the Transportation Department. **(Citywide)**

The Purchasing Division recommends authorizing renewal utilizing the ADOT cooperative contract with 3M Company at \$40,000 annually, including applicable sales tax, and based on estimated requirements.

- *4-g. Fire Suppression Upgrades at Four City Facilities. **(District 4)**

City Project 11-900-001. This project will upgrade the commercial kitchen fire suppression systems located at the Convention Center Buildings B & C, the Senior

Center, and the Arizona Museum for Youth existing paint booth fire suppression system with an upgraded UL 1254 system.

Recommend award to the lowest bidder, Alliance Fire Protection, in the amount of \$53,725.00, plus an additional \$5,372.50 (10% allowance for change orders) for a total award of \$59,097.50. This project will be funded from the FY 11/12 Facilities Maintenance Operating Budget.

*4-h. **Downtown Utility Improvements, south of Main Street, Center to Robson. (District 4)**

City Project 10-458-001. This contract will increase the amount of this project by \$15,000.00 to pay for changes due to differing site conditions that were discovered during the construction phase.

The original contract with The Fishel Company was \$1,860,418.85 plus \$186,041.89 (10%) for possible change orders, for an original contract award of \$2,046,460.74. With this increase of \$15,000, the new total project cost is \$2,061,460.74. Funding is available from the existing FY 11/12 Water Bond Program.

*4-i. **Security and Landscape Improvements at Sycamore Transit Center and Park-and-Ride Facility, 1804 West Main Street. (District 3)**

City Project 11-904-001. This project will install nine (9) new cameras for enhanced security, install bollards at the back of each ramp to prevent unauthorized vehicular movement through these ramps, install concrete benches next to the existing ramps to encourage proper use of these ramps, and re-stake and replace trees as necessary to improve site aesthetics.

Recommend award to the lowest bidder, AJP Electric, Inc., in the amount of \$105,000.00, plus an additional \$10,567.50 (10% allowance for change orders) for a total award of \$116,242.50. This project will be 80% funded with a grant from the Federal Transit Administration (FTA) and 20% funded by the City. Mesa's local cost for this project is \$23,248.50.

5. Take action on the following resolutions:

*5-a. Approving the FY 2012-2013 Annual Action Plan for submittal to the U.S. Department of Housing and Urban Development (HUD) and authorizing the City Manager to amend, sign, and submit the Annual Action Plan for FY 2012-2013 – Resolution No. 10019.

*5-b. Approving the Second Substantial Amendment to the Annual Action Plan for FY 2011-2012 for the U.S. Department of Housing and Urban Development (HUD) for the revised Emergency Solutions Grant (ESG) and authorizing the City Manager to amend, sign, and submit the Second Substantial Amendment to the Annual Action Plan for FY 2011-2012 – Resolution No. 10020.

*5-c. Approving the First Substantial Amendment of the 5-year Consolidated Plan FY 2010-2014 for the U.S. Department of Housing and Urban Development (HUD) and authorizing the City Manager to amend, sign, and submit the First Substantial Amendment for the 5-year Consolidated Plan FY 2010-2014 – Resolution No. 10021.

- *5-d. Approving and authorizing the City Manager to prepare, sign and submit applications to the U.S. Department of Housing and Urban Development to receive Entitlement Funds under the Housing and Community Development Act of 1974 (CDBG), as amended, and approve all activities and funding allocations undertaken by non-profit organizations that meet the objectives and priorities as identified in the Consolidated Plan – Resolution No. 10022.
- *5-e. Approving and authorizing the City Manager to prepare, sign and submit applications to the U.S. Department of Housing and Urban Development to receive Entitlement Funds under the Housing and Community Development Act of 1974 (CDBG), as amended, and approve all activities and funding allocations undertaken by City departments that meet the objectives and priorities as identified in the Consolidated Plan – Resolution No. 10023.
- *5-f. Approving and authorizing the City Manager to prepare, sign and submit an application to the U.S. Department of Housing and Urban Development to receive Entitlement Funds under the National Affordable Housing Act of 1990 (HOME), as amended, and delegating authority to the Housing Advisory Board to approve all activities and funding allocations undertaken by non-profit organizations that meet the objectives and priorities as identified in the Consolidated Plan – Resolution No. 10024.
- *5-g. Approving and authorizing the City Manager to prepare, sign and submit an application to the U.S. Department of Housing and Urban Development to receive Entitlement Funds under the National Affordable Housing Act of 1990 (HOME), as amended, and delegating authority to the Housing Advisory Board to approve all activities and funding allocations undertaken by City departments that meet the objectives and priorities as identified in the Consolidated Plan – Resolution No. 10025.
- *5-h. Approving and authorizing the City Manager to prepare, sign and submit an application to the U.S. Department of Housing and Urban Development to receive Entitlement Funds under the Stewart B. McKinney Homeless Assistance Act of 1987, as amended, for the Emergency Solutions Grant (ESG) – Resolution No. 10026.
- *5-i. Vacating a portion of the public street right-of-way located at 10 West Southern Avenue and selling the vacated right-of-way to the adjacent property owner, Arizona Recycling, at the appraised value of \$1,600 plus a processing fee of \$750 – Resolution No. 10027. **(District 4)**
- *5-j. Approving and authorizing the City Manager to sell a City-owned parcel located at approximately 2429 East McKellips Road to the adjacent property owner, Salt River Project, for \$2,500.00 – Resolution No. 10028. **(District 1)**
- *5-k. Approving and authorizing the City Manager to sell City-owned property (The Pinal County Farm Lands), execute necessary documents, and enter into a Master Lease during the phased sale of the property. The Pinal County Farm Lands consist of approximately 11,447 ± acres and are located in Pinal County, Arizona – Resolution No. 10029.

6. Introduction of the following ordinances and setting May 21, 2012, as the date of the public hearing on these ordinances:

- *6-a. **Z12-14 (District 4)** 32 South Center Street. Located south of Main Street on the west side of Center Street (1± acres). Council Use Permit and Site Plan Modification. This request will allow the development of a sport court at an existing charter school. PLN2012-00097. Earl Taylor, owner/applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0, Chair Carter absent.)

- *6-b. **Z12-19 (District 6)** The 10000 to 10200 block of East Baseline Road. Located at the northeast corner of Crismon Road and Baseline Road (24.7± acres). Rezone from LC to LC BIZ (10.4± acres) and from LC BIZ to LC (14.3± acres) and Site Plan Review. This request will allow for the development of a medical center. PLN2011-0039. Richard Richmond, Crismon Gateway LP, owner; Bill Smith, Banner Health, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0, Chair Carter absent.)

- *6-c. **Z12-18 (District 3)** 1840 & 1910 South Stapley Drive. Located north of Baseline Road and west of Stapley Drive (17± acres). Rezone from LC to PEP. This request will allow for the development of business park uses. DAZ3-Stapley LLC, owner; City staff, applicant.

P&Z Recommendation: Approval of PEP zoning with conditions. (Vote: 6-0, Chair Carter absent.)

- *6-d. **Z12-02 (District 6)** 6859 East Rembrandt Avenue. Located north of Warner Road and east of Power Road (14,100± sf). Council Use Permit. This request will continue to allow an existing charter school within an industrial zoned area. (PLN2011-00375) Daniel Deryke, Western Horizons Development LLC, owner; Steven Mills, University Public Schools, applicant. **(Ordinance has been amended to include a two-year permit.)**

P&Z Recommendation: Approval with conditions. (Vote: 5-0-1, Boardmember Roberts abstained, Chair Carter absent.)

- *6-e. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules.

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the City Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the City Clerk before Council votes on the Consent Agenda.

- *7-a. Repealing the existing and adopting a new Mesa City Code, Title 1, Chapter 21, relating to the Procurement of Materials, Non-Professional Contract Services, and Capital Improvements, to take effect on September 1, 2012 – Ordinance No. 5089.

- *7-b. Adopting an Ordinance establishing the number of signatures required for the Mesa District Council Candidate Nomination Petitions to be two hundred and fifty signatures or five percent of the vote, whichever is less, for District Councilmember in the last preceding District election. **(DELETED)**

Items not on the Consent Agenda

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the meeting adjourned at 6:16 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 7th day of May 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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